

Notice of Allowability	Application No.	Applicant(s)	
	10/524,882	DAUDEL ET AL.	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 11-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement to an exhaust turbocharger over U.S. Patent No. 6,739,134 which teaches an exhaust gas turbocharger for an internal combustion engine, with a turbine 1 adapted for receiving the engine exhaust gas flow, and with a turbine driven compressor for providing intake flow to the internal combustion engine, wherein the turbine 1 has a flow channel 3 with a radial flow entry section 3a and a further flow entry section 3b, wherein a flow ring 7 separates the flow entry cross-section 3a and the further flow entry section 3b and borders the flow entry cross-section 3a, wherein an adjustable ring of guide vanes 5 is provided in the radial flow entry cross-section 3a for variably adjusting the flow entry cross-section 3a, wherein the flow ring 7 is axially displaceable in the housing of the exhaust gas turbine 1 between a position contacting the ring of guide vanes 5 and a position exposing a gap between the flow ring 7 and the ring of guide vanes 5.

The improvement comprises axial relief boreholes are provided in the flow ring extending between the axial faces of the flow ring for trimming of forces acting on the flow ring when lying against the radial ring of guide vanes in such a manner, that as a result of the reduction in static pressure in the ring of guide vanes the flow ring experiences a resulting pressure in the direction of the radial ring of guide vanes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of five patents.

Woolenweber (4,776,168) is cited to show a turbine having an entry channel, a further entry channel, and a flow ring but fails to teach boreholes in the flow ring.

Sumser et al. (5,454,225) is cited to show a turbine having an entry channel, a further entry channel, and a flow ring but fails to teach boreholes in the flow ring.

Sumser et al. (5,758,500) is cited to show a turbine having an entry channel, a further entry channel, and a flow ring but fails to teach boreholes in the flow ring.

Daudel et al. (6,220,031) is cited to show a turbine having an entry channel, a further entry channel, and a flow ring but fails to teach boreholes in the flow ring.

Sumser et al. (7,021,057) is cited to show a turbine having an entry channel, a further entry channel, and a flow ring but fails to teach boreholes in the flow ring.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
June 7, 2006

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', written in a cursive style.

Igor Kershteyn
Patent examiner.
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